

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 355**  
**92ND GENERAL ASSEMBLY**

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Reported from the Committee on Transportation and Motor Vehicles April 15, 2003, with recommendation that the House Committee Substitute for Senate Bill No. 355 Do Pass by Consent.

STEPHEN S. DAVIS, Chief Clerk

1135L.04C

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**AN ACT**

To repeal sections 194.220 and 301.020, RSMo, and to enact in lieu thereof two new sections relating to the organ donor program, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 194.220 and 301.020, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 194.220 and 301.020, to read as follows:

194.220. 1. Any individual of sound mind who is at least eighteen years of age may give  
2 all or any part of his or her body for any purpose specified in section 194.230, the gift to take  
3 effect upon death. Any individual who is a minor and at least sixteen years of age may effectuate  
4 a gift for any purpose specified in section 194.230, provided parental or guardian consent is  
5 deemed given. Parental or guardian consent shall be noted on the minor's donor card,  
6 [application for the] donor's instruction permit or driver's license, **as the attorney-in-fact**  
7 **pursuant to subsection 2 of this section**, or other document of gift. An express gift that is not  
8 revoked by the donor before death is irrevocable, and the donee shall be authorized to accept the  
9 gift without obtaining the consent of any other person. The provisions of this subsection, relating  
10 to allowing a minor who is at least sixteen years of age to effectuate a gift for any purpose  
11 specified in section 194.230, through the driver's license or instruction permit application  
12 process, shall be effective July 1, 2003.

13 2. Any of the following persons, in order of priority stated, when persons in prior classes  
14 are not available at the time of death, and in the absence of actual knowledge of a gift by the  
15 decedent pursuant to subsection 1 of this section or actual notice of contrary indications by the

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.**

16 decedent or of opposition by a member of the same or a prior class, may give all or any part of  
17 the decedent's body for any purpose specified in section 194.230:

18 (1) An attorney-in-fact under a durable power of attorney that expressly refers to making  
19 a gift of all or part of the principal's body pursuant to the uniform anatomical gift act;

20 (2) The spouse;

21 (3) An adult son or daughter;

22 (4) Either parent;

23 (5) An adult brother or sister;

24 (6) A guardian of the person of the decedent at the time of his or her death;

25 (7) Any other person authorized or under obligation to dispose of the body.

26 3. If the donee has actual notice of contrary indications by the decedent or that a gift by  
27 a member of a class is opposed by a member of the same or a prior class, the donee shall not  
28 accept the gift. The persons authorized by subsection 2 of this section may make the gift after  
29 or immediately before death.

30 4. A gift of all or part of a body authorizes any examination necessary to assure medical  
31 acceptability of the gift for the purposes intended.

32 5. The rights of the donee created by the gift are paramount to the rights of others except  
33 as provided by subsection 4 of section 194.270.

301.020. 1. Every owner of a motor vehicle or trailer, which shall be operated or driven  
2 upon the highways of this state, except as herein otherwise expressly provided, shall annually  
3 file, by mail or otherwise, in the office of the director of revenue, an application for registration  
4 on a blank to be furnished by the director of revenue for that purpose containing:

5 (1) A brief description of the motor vehicle or trailer to be registered, including the name  
6 of the manufacturer, the vehicle identification number, the amount of motive power of the motor  
7 vehicle, stated in figures of horsepower and whether the motor vehicle is to be registered as a  
8 motor vehicle primarily for business use as defined in section 301.010;

9 (2) The name, the applicant's identification number and address of the owner of such  
10 motor vehicle or trailer;

11 (3) The gross weight of the vehicle and the desired load in pounds if the vehicle is a  
12 commercial motor vehicle or trailer.

13 2. If the vehicle is a motor vehicle primarily for business use as defined in section  
14 301.010 and if such vehicle is five years of age or less, the director of revenue shall retain the  
15 odometer information provided in the vehicle inspection report, and provide for prompt access  
16 to such information, together with the vehicle identification number for the motor vehicle to  
17 which such information pertains, for a period of five years after the receipt of such information.  
18 This section shall not apply unless:

19           (1) The application for the vehicle's certificate of ownership was submitted after July 1,  
20 1989; and

21           (2) The certificate was issued pursuant to a manufacturer's statement of origin.

22           3. If the vehicle is any motor vehicle other than a motor vehicle primarily for business  
23 use, a recreational motor vehicle, motorcycle, motortricycle, bus or any commercial motor  
24 vehicle licensed for over twelve thousand pounds and if such motor vehicle is five years of age  
25 or less, the director of revenue shall retain the odometer information provided in the vehicle  
26 inspection report, and provide for prompt access to such information, together with the vehicle  
27 identification number for the motor vehicle to which such information pertains, for a period of  
28 five years after the receipt of such information. This subsection shall not apply unless:

29           (1) The application for the vehicle's certificate of ownership was submitted after July 1,  
30 1990; and

31           (2) The certificate was issued pursuant to a manufacturer's statement of origin.

32           4. If the vehicle qualifies as a reconstructed motor vehicle, motor change vehicle,  
33 specially constructed motor vehicle, non-USA-std motor vehicle, as defined in section 301.010,  
34 the owner or lienholder shall surrender the certificate of ownership. The owner shall make an  
35 application for a new certificate of ownership, pay the required title fee, and obtain the vehicle  
36 examination certificate required pursuant to section 301.190. Notarized bills of sale along with  
37 a copy of the front and back of the certificate of ownership for all major component parts  
38 installed on the vehicle and invoices for all essential parts which are not defined as major  
39 component parts shall accompany the application for a new certificate of ownership. If the  
40 vehicle is a specially constructed motor vehicle, as defined in section 301.010, two pictures of  
41 the vehicle shall be submitted with the application. If the vehicle is a kit vehicle, the applicant  
42 shall submit the invoice and the manufacturer's statement of origin on the kit. If the vehicle  
43 requires the issuance of a special number by the director of revenue or a replacement vehicle  
44 identification number, the applicant shall submit the required application and application fee.  
45 All applications required under this subsection shall be submitted with any applicable taxes  
46 which may be due on the purchase of the vehicle or parts. The director of revenue shall  
47 appropriately designate "Reconstructed Motor Vehicle", "Motor Change Vehicle",  
48 "Non-USA-Std Motor Vehicle", or "Specially Constructed Motor Vehicle" on the current and  
49 all subsequent issues of the certificate of ownership of such vehicle.

50           5. Every insurance company which pays a claim for repair of a motor vehicle which as  
51 the result of such repairs becomes a reconstructed motor vehicle as defined in section 301.010  
52 shall in writing notify the claimant, if he is the owner of the vehicle, and the lienholder if a lien  
53 is in effect, that he is required to surrender the certificate of ownership, and the documents and  
54 fees required pursuant to subsection 3 of this section, to the director of revenue. The insurance

55 company shall within thirty days of the payment of such claims report to the director of revenue  
56 the name and address of such claimant, the year, make, model, vehicle identification number, and  
57 license plate number of the vehicle, and the date of loss and payment.

58 6. Anyone who fails to comply with the requirements of this section shall be guilty of  
59 a class B misdemeanor.

60 7. An applicant for registration may make a donation of one dollar to promote a  
61 blindness education, screening and treatment program. The director of revenue shall collect the  
62 donations and deposit all such donations in the state treasury to the credit of the blindness  
63 education, screening and treatment program fund established in section 192.935, RSMo. Moneys  
64 in the blindness education, screening and treatment program fund shall be used solely for the  
65 purposes established in section 192.935, RSMo, except that the department of revenue shall  
66 retain no more than one percent for its administrative costs. The donation prescribed in this  
67 subsection is voluntary and may be refused by the applicant for registration at the time of  
68 issuance or renewal. The director shall inquire of each applicant at the time the applicant  
69 presents the completed application to the director whether the applicant is interested in making  
70 the one-dollar donation prescribed in this subsection.

71 **8. An applicant for registration may make a donation of one dollar to promote an**  
72 **organ donor program. The director of revenue shall collect the donations and deposit all**  
73 **such donations in the state treasury to the credit of the organ donor program fund as**  
74 **established in sections 194.297 to 194.304, RSMo. Moneys in the organ donor fund shall**  
75 **be used solely for the purposes established in sections 194.297 to 194.304, RSMo, except**  
76 **that the department of revenue shall retain no more than one percent for its administrative**  
77 **costs. The donation prescribed in this subsection is voluntary and may be refused by the**  
78 **applicant for registration at the time of issuance or renewal. The director shall inquire of**  
79 **each applicant at the time the applicant presents the completed application to the director**  
80 **whether the applicant is interested in making the one-dollar donation prescribed in this**  
81 **subsection.**